

FCC REGULATION OF EMERGENCY LOCATOR TRANSMITTERS

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FCC JURISDICTION

- Equipment that transmits radio signals must be authorized by the FCC. See 47 U.S.C. § 302
- The FCC Lab authorizes Radiobeacons, including Emergency Locator Transmitters (ELTs), Emergency Position Indicating Radiobeacons (EPIRBs), and Personal Locator Beacons (PLBs).
- The FCC gives deference to the FAA on matters of aviation safety.

FCC AVIATION RULEMAKING PROCEEDING

WT Docket No. 01-289

- Proceeding initiated in 2001 to update the FCC's Part 87 Rules governing the Aviation Radio Services.
- In 2006, in a Second Further Notice of Proposed Rulemaking, the FCC requested comment on what actions it should take with respect to 121.5 MHz ELTs in light of the anticipated termination of Cospas-Sarsat monitoring of the frequency in 2009.
- The responsive comments generally appeared to support a phase-out of 121.5 MHz ELTs and an accelerated transition to more reliable 406 MHz ELTs.

FCC AVIATION RULEMAKING PROCEEDING

WT Docket No. 01-289

Third Report And Order

- The FCC adopted the Third Report and Order in 2010, after Cospas-Sarsat had terminated monitoring of 121.5 MHz. (25 FCC Rcd 7610)
- The FCC concluded that requiring a transition to 406 MHz ELTs would promote aviation safety, and that the safety benefits outweighed compliance costs.
- The FCC adopted a rule prohibiting any further certification, manufacture, importation, sale or use of 121.5 MHz ELTs, effective 60 days after publication of the rule in the Federal Register.

FCC AVIATION RULEMAKING PROCEEDING

WT Docket No. 01-289

- After the Third Report and Order was released, interested parties requested that the FCC revisit the prohibition of 121.5 MHz ELTs.
- Given that GA aircraft are required to carry an ELT, parties stated that a shortfall in the current inventory of 406 MHz ELTs and the cost of purchasing and installing a 406 MHz ELT would effectively ground many aircraft if they were no longer able to satisfy the carriage requirement with a 121.5 MHz ELT.
- Parties also disputed FCC's conclusion that 121.5 MHz ELTs have little residual safety value now that Cospas-Sarsat has ceased monitoring the frequency.

FCC AVIATION RULEMAKING PROCEEDING

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Stay Order

- Based on this additional information, the FCC in 2011 adopted an order staying the effectiveness of the rule prohibiting 121.5 MHz ELTs.
- The stay remains in effect. Under the FCC's current Part 87 Rules, 121.5 MHz ELTs may continue to be manufactured, imported, sold and used.

FCC AVIATION RULEMAKING PROCEEDING

WT Docket No. 01-289

- The FCC anticipates adopting a Third Further Notice of Proposed Rulemaking in WT Docket No. 01-289 to obtain additional public comment on what actions, if any, it should take regarding 121.5 MHz ELTs.
- Interested parties will be able to file comments electronically using the FCC's **Electronic Comment Filing System**, at <http://apps.fcc.gov/ecfs//>.
- Questions can be directed to Jeffrey Tobias.
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